

Senate Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 308

## **SENATE BILL 1366**

AN ACT

AMENDING SECTIONS 11-961 AND 11-968, ARIZONA REVISED STATUTES; RELATING TO  
RELOCATION ASSISTANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-961, Arizona Revised Statutes, is amended to  
3 read:

4 11-961. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Acquiring agency" means the state, any department, agency, board  
7 or commission of the state, counties, school districts, cities, towns, all  
8 municipal corporations, ~~and~~ any other political subdivision of the state,  
9 ~~except the department of transportation~~ AND ANY OTHER PERSON OR ENTITY WITH  
10 THE POWER OF EMINENT DOMAIN.

11 2. "Business" means any lawful activity, excepting a farm operation,  
12 conducted primarily by or for any of the following:

13 (a) For the purchase, sale, lease and rental of personal and real  
14 property and for the manufacture, processing or marketing of products,  
15 commodities or any other personal property.

16 (b) For the sale of services to the public.

17 (c) By a nonprofit corporation.

18 (d) Solely for the purposes of section 11-963, for assisting in the  
19 purchase, sale, resale, manufacture, processing or marketing of products,  
20 commodities, personal property or services by the erection and maintenance of  
21 an outdoor advertising display or displays, whether or not such display or  
22 displays are located on the premises on which any of the above activities are  
23 conducted.

24 3. "Comparable replacement dwelling" means a dwelling that is all of  
25 the following:

26 (a) Decent, safe and sanitary.

27 (b) Adequate in size to accommodate the occupants.

28 (c) Within the financial means of the displaced person.

29 (d) Functionally equivalent.

30 (e) In an area which is not subject to unreasonably adverse  
31 environmental conditions.

32 (f) In a location which is generally not less desirable than the  
33 location of the displaced person's dwelling with respect to public utilities,  
34 facilities, services and the displaced person's place of employment.

35 4. "Displaced person" means:

36 (a) A person who moves from real property or moves his personal  
37 property from real property either:

38 (i) As a direct result of a written notice of intent to acquire, the  
39 initiation of negotiations for or the acquisition of such real property in  
40 whole or in part for a program or project undertaken by a displacing agency.

41 (ii) On which the person is a residential tenant or conducts a farm  
42 operation or a business, and the move is a direct result of rehabilitation,  
43 demolition or other displacing activity as the lead agency prescribes under a  
44 program or project undertaken by a displacing agency, if the displacing  
45 agency determines that the displacement is permanent.

1 (b) Solely for the purposes of section 11-962 and section 11-963,  
2 subsections A and B, a person who moves from real property or moves his  
3 personal property from real property either:

4 (i) As a direct result of a written notice of intent to acquire or the  
5 acquisition of other real property, in whole or in part, on which the person  
6 conducts a business or farm operation, for a program or project undertaken by  
7 a displacing agency.

8 (ii) As a direct result of rehabilitation, demolition or other  
9 displacing activity as the lead agency prescribes, of other real property on  
10 which the person conducts a business or a farm operation, under a program or  
11 project undertaken by a displacing agency, if the displacing agency  
12 determines that the displacement is permanent.

13 Displaced person does not include a person who has been determined, according  
14 to criteria established by the lead agency, as not having been displaced,  
15 including persons either unlawfully occupying the displacement property or  
16 occupying the property for the purpose of obtaining assistance under this  
17 article or, in any case in which the displacing agency acquires property for  
18 a program or project, a person, other than a person who was an occupant of  
19 the property at the time it was acquired, who occupies the property on a  
20 rental basis for a short term or a period subject to termination when the  
21 property is needed for the program or project.

22 5. "Displacing agency" means the state or state agency, ~~except the~~  
23 ~~department of transportation~~ and any political subdivision or person carrying  
24 out a program or project with federal financial assistance, or with the  
25 approval of the governing body of the acquiring agency, state or local  
26 financial assistance, which causes a person to be a displaced person.

27 6. "Farm operation" means any activity conducted primarily for the  
28 production of one or more agricultural products or commodities for sale and  
29 home use, and customarily producing such products or commodities in  
30 sufficient quantity to be capable of contributing materially to the  
31 operator's support.

32 7. "Federal financial assistance" means a grant, loan or contribution  
33 in any form whatsoever provided by the United States to an acquiring agency,  
34 except any federal guarantee or insurance, and any interest reduction payment  
35 to a person in connection with the purchase and occupancy of a residence by  
36 that person.

37 8. "Initiation of negotiations" means the delivery of the initial  
38 written offer by the acquiring agency to the owner or the owner's  
39 representative to purchase real property for a project for the amount  
40 determined to be proper compensation or other actions to serve this purpose  
41 as determined by the lead agency.

42 9. "Lead agency" means the acquiring agency except as required by  
43 federal law.

44 10. "Mortgage" means such classes of liens as are commonly given to  
45 secure advances on, or the unpaid purchase price of, real property, under the

1 laws of the state in which the real property is located, together with the  
2 credit instruments, if any, secured thereby.

3 11. "Person" means any individual, family, partnership, corporation or  
4 association.

5 12. "Small business" means a business as defined in paragraph 2 of this  
6 section and if the number of employees of the business at the affected site  
7 is five hundred or less.

8 Sec. 2. Section 11-968, Arizona Revised Statutes, is amended to read:

9 11-968. Rules; conflicting federal laws, rules and regulations

10 A. The state and its departments, agencies, boards and commissions as  
11 acquiring agencies may SHALL adopt rules implementing this article by  
12 compliance with title 41, chapter 6.

13 B. Counties, school districts, cities and towns, municipal  
14 corporations and other political subdivisions of the state as acquiring  
15 agencies may SHALL implement this article by adoption of ordinances or  
16 resolutions of the legislative body thereof.

17 C. The acquiring agency shall ~~consider federal rules and regulations~~  
18 ~~relating to relocation assistance and may adopt provisions thereof deemed~~  
19 ~~necessary and desirable and~~ RELOCATION ASSISTANCE RULES AND REGULATIONS THAT  
20 ARE not in conflict with the laws of this state and ~~relating to~~ THAT  
21 PROVIDE, AT A MINIMUM, THE LEVEL OF RELOCATION ASSISTANCE PRESCRIBED IN 49  
22 CODE OF FEDERAL REGULATIONS SECTIONS 24.201 THROUGH 24.503.

23 ~~1. The standards for comparable housing.~~

24 ~~2. The standards for decent, safe and sanitary dwellings.~~

25 ~~3. Procedure for an aggrieved displaced person to have his~~  
26 ~~determination of eligibility or amount of payment reviewed.~~

27 ~~4. The eligibility of displaced persons for relocation assistance~~  
28 ~~payments, the procedure for such persons to claim such payments and the~~  
29 ~~amounts thereof.~~

APPROVED BY THE GOVERNOR MAY 10, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2010.